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HUMAN RIGHTS

State Can Improve Response to Allegations of Civilians Harmed by U.S. Arms Transfers

GAO Highlights

Highlights of [GAO-25-107077](#), a report to the Committee on Armed Services, House of Representatives

Why GAO Did This Study

The United States is the world's largest provider of defense articles to other nations. State and DOD have jointly approved over \$100 billion in transfers annually. Public reports have raised concerns that recipients may be using U.S. defense articles in activities that violate human rights.

House Report 118-125 includes a provision for GAO to review laws and policies related to transfers of defense articles and human rights as well as efforts to conduct monitoring of potential human rights violations involving U.S. defense articles. This report examines (1) laws and policies related to human rights and the transfer or use of U.S. defense articles and (2) the extent to which agencies mitigate and respond to the risk that U.S. defense articles may be involved in human rights violations.

GAO analyzed relevant laws, policies, guidance, and State and DOD information on monitoring and civilian harm response processes. GAO also interviewed agency officials.

What GAO Recommends

GAO recommends that State develop (1) a mechanism to incorporate external parties' allegations of civilian harm into its response process and (2) a strategy to identify appropriate staffing and resources for its process. State said considering external allegations would be impractical but that it would identify appropriate staffing and resources for its process.

View [GAO-25-107077](#). For more information, contact Chelsa Kenney at kenneyc@gao.gov.

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State Can Improve Response to Allegations of Civilians Harmed by U.S. Arms Transfers

What GAO Found

The Departments of State and Defense (DOD) are the primary U.S. agencies responsible for managing the sale or transfer of U.S. defense articles, such as weapons and equipment. The transfer of these articles to other countries is governed by laws and policies, including human rights requirements. U.S. law generally prohibits assistance to any country where the government consistently violates internationally recognized human rights. In 2023, the Biden administration updated its arms transfer policy to place a greater emphasis on human rights and require U.S. agencies to conduct "appropriate monitoring" to ensure arms are used responsibly. In 2024, the Biden administration required State to obtain additional assurances from recipients that they will respect human rights obligations. State did not pause any arms transfers as a result of these updated policies.

Agency processes do not fully address the risk that recipients may use transferred U.S. defense articles to commit human rights abuses. Existing agency processes, such as vetting recipients and verifying custody of transferred defense articles, address aspects of this risk. Since 2023, State and DOD have also developed processes to respond to reports of civilian harm—including human rights abuses—involving U.S. defense articles. In response to a GAO recommendation, State developed a process called the Civilian Harm Incident Response Guidance, but it does not allow reports from non-U.S. government parties. For example, State received 617 civilian harm reports from August 2023 to December 2024. However, non-U.S. government parties such as the United Nations have identified thousands of civilian harm incidents resulting from the Israel-Hamas conflict alone. Incorporating external reports into its response process would give State a fuller picture of the scope of civilian harm incidents. Further, as of December 2024, State had not completed any investigations into reports it deemed credible. State officials said they needed additional resources to manage this workload. By developing and implementing a strategy to identify appropriate staffing and resources for the process, State could investigate the full scope of reported incidents in a more timely manner.

U.S. Defense Articles Delivered to Israel in October 2023



Source: U.S. Air Force/Senior Airman E. Grimaldo. | GAO-25-107077

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Abbreviations

AECA	Arms Export Control Act, as amended
CAT	U.S. Conventional Arms Transfer Policy
CHIRG	Civilian Harm Incident Response Guidance
CHMR-AP	Civilian Harm Mitigation and Response Action Plan
DOD	Department of Defense
DRL	Democracy, Human Rights and Labor Bureau
DSCA	Defense Security Cooperation Agency
EUM	end-use monitoring
FAA	Foreign Assistance Act of 1961, as amended
FMF	Foreign Military Financing
FMS	Foreign Military Sales
GVHR	Gross Violation of Human Rights
NSM-20	National Security Memorandum-20
PM	Political Military Bureau
State	U.S. Department of State
UAE	United Arab Emirates

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April 24, 2025

The Honorable Mike Rogers
Chairman
The Honorable Adam Smith
Ranking Member
Committee on Armed Services
House of Representatives

The transfer of U.S.-origin defense articles to international partners has been a part of U.S. national security policy since at least the lead-up to U.S. involvement in World War II.¹ Presidents have used the transfer of defense articles to international partners to further broad foreign policy goals, ranging from supporting strategically important countries (foreign partners) to building global counterterrorism capacity following the terrorist attacks of September 11, 2001.

Civilians constitute a significant proportion of casualties in armed conflicts, according to the United Nations. The United States has sought to decrease civilian harm in conflicts, including civilian harm caused by foreign partners using U.S. defense articles. To help ensure that U.S. defense articles are not used to support human rights violators, Congress has placed restrictions on provision of security assistance to foreign partners or specific units of foreign security forces implicated in human rights abuses.

Following the October 7, 2023, Hamas attack on Israel, Israel launched a response intended to eliminate Hamas as a threat. Israel is historically the largest recipient of U.S. security assistance, with the United States providing approximately \$3 billion in defense articles and other security assistance annually. To date, since the start of the Israel-Hamas conflict, the United Nations has reported over 47,000 Palestinian deaths, the majority of which were civilians.² According to the Department of State, it is “reasonable to assess” that U.S. defense articles have been used by Israel’s security forces in a manner inconsistent with Israel’s international

¹“U.S.-origin defense articles” generally include arms, equipment, inventory, stockpile materials, and operating materials and supplies, such as ammunition and missiles. See 22 U.S.C. § 2403(d), 22 U.S.C. § 2794(3).

²United Nations Office for the Coordination of Humanitarian Affairs, *Reported Impact Snapshot | Gaza Strip (4 February 2025)*, Feb. 4, 2025.

human rights obligations or with established best practices for mitigating civilian harm.³ As of February 2025, there have been over 8,000 potential incidents involving civilian harm in the Israel-Hamas conflict, according to Airwars, a nongovernmental organization that monitors civilian harm in war.⁴

House Report 118-125 includes a provision for us to review laws and policies related to the transfer of defense articles and the effects on human rights as well as efforts to monitor potential human rights violations involving U.S. defense articles.⁵ This report examines (1) laws and policies related to human rights that govern the transfer or use of U.S. defense articles and (2) the extent to which the Departments of State and Defense mitigate and respond to the risk that U.S. defense articles may be involved in human rights violations.

To examine the laws and policies related to human rights that govern the transfer of U.S. defense articles, we analyzed relevant laws, including the Arms Export Control Act, as amended, and the Foreign Assistance Act, as amended. We also reviewed the 2018 and 2023 Conventional Arms Transfer policies and National Security Memorandum-20 on safeguards related to transferred defense articles.⁶

To examine the extent to which agencies mitigate and respond to the risk that U.S. defense articles may be involved in human rights violations, we reviewed State and Department of Defense (DOD) guidance and processes that were developed to implement legal and policy requirements. We also reviewed State and DOD information on processes developed to mitigate and respond to civilian harm. In addition, we interviewed agency officials regarding their activities related to relevant legal requirements.

³U.S. Department of State, *Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services (NSM-20)*, May 11, 2024.

⁴Airwars Israel and Gaza Conflict-2023 database, <https://airwars.org/conflict/israel-and-gaza-2023/>, accessed on February 10, 2025.

⁵This report of the House Armed Services Committee accompanied legislation that became the National Defense Authorization Act for Fiscal Year 2024.

⁶The 2023 Conventional Arms Transfer policy and National Security Memorandum-20 were rescinded by the Trump administration.

We conducted this performance audit from September 2023 to April 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

The United States is the world's largest provider of defense articles to foreign partners.⁷ In fiscal year 2023, the total value of transferred defense articles, security services, and security activities reached an all-time high of \$80 billion, according to State reporting.⁸ The United States provides defense articles to allies and partner nations through multiple mechanisms, primarily (1) direct commercial sales, for which a private entity and foreign buyer negotiate the sale of arms, equipment or defense services, (2) foreign military sales (FMS), for which the U.S. government and a foreign government negotiate an agreement for the purchase of defense articles, and (3) foreign military financing, for which the U.S. government provides funds to a foreign government to purchase U.S. defense articles.⁹

U.S. law states that a principal goal of U.S. foreign policy shall be to promote the increased observance of internationally recognized human rights by all countries.¹⁰ To support this goal, U.S. law further stipulates that no security assistance may be provided to any foreign partner whose government engages in a consistent pattern of gross violations of

⁷In terms of the value of total exports of military arms to foreign partners.

⁸The United States also had a total authorized value of \$157.5 billion from Direct Commercial Sales of defense articles in fiscal year 2023. While Direct Commercial Sales are covered by a Foreign Assistance Act restriction on provision of assistance to any foreign partner the government of which engages in a consistent pattern of gross violations of internationally recognized human rights, such sales are not subject to provisions of law, commonly referred to as "Leahy laws", prohibiting assistance to any unit of the security forces of another country if the Secretary of State or Defense has credible information that the unit has committed a gross violation of human rights.

⁹The United States also provides defense articles through other authorities, such as DOD's "Building Partner Capacity" programs authorized by 10 U.S.C. § 333 and the transfer of excess defense articles pursuant to 22 U.S.C. § 2321b.

¹⁰22 U.S.C. § 2304(a)(1).

internationally recognized human rights (GVHR).¹¹ Moreover, U.S. law prohibits assistance to any unit of a foreign security force where the Secretary of State or the Secretary of Defense has credible information that the unit has committed a gross violation of human rights.¹² See below text box for definitions related to human rights and civilian harm.

Gross violations of human rights (Leahy laws)

The Department of State notes that gross violations of internationally recognized human rights includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons, extrajudicial killings, and other flagrant denial of the right to life, liberty, or security of person.

Gross violations of internationally recognized human rights (22 U.S.C. § 2304)

Includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or security of person.

Civilian harm incidents

In the context of State guidance, civilian harm includes harm caused by foreign security forces that are receiving or have received U.S.-origin defense articles. Civilian harm is broader than human rights and may include any incident where a civilian was harmed, either directly or indirectly, and regardless of whether the act that caused harm was committed intentionally. Civilian harm may include other adverse effects that military operations cause to the civilian population and the personnel, organizations, resources, infrastructure, and essential services on which civilian life depends.

Source: Department of State Leahy Vetting Guide and Civilian Harm Incident Response Guidance. Department of Defense Civilian Harm Mitigation and Response guidance. 22 USC 2304(d)(1) | GAO-25-107077

State and DOD are the primary U.S. agencies responsible for managing and overseeing U.S. defense articles sales and transfers. (See table 1.)

¹¹Security assistance for purpose of this statute includes military assistance, military education, and antiterrorism assistance as authorized under the Foreign Assistance Act. It also includes sales of defense articles and services, extensions of credits and guaranties as authorized by the Arms Export Control Act, as well as the licensing of direct commercial sales also pursuant to the Arms Export Control Act. See 22 U.S.C. § 2304(d)(2).

¹²22 U.S.C. § 2378d, 10 U.S.C. § 362. These provisions of law, commonly referred to as "Leahy laws", apply to assistance provided under authority of the Foreign Assistance Act and the Arms Export Control Act or to funding made available to the Department of Defense.

Table 1: State and DOD Roles in U.S. Security Assistance

Agency	Roles and responsibilities
Department of State	The Bureau of Political-Military Affairs (PM) oversees the Foreign Military Sales (FMS) program by leading State’s review of proposed transfer of defense articles for foreign policy, national security, human rights, and nonproliferation concerns; determining eligibility to participate in the FMS program; and managing the foreign military financing account used to fund some FMS program sales, among other things. PM and the Bureau of Democracy, Human Rights, and Labor (DRL) lead human rights vetting and civilian harm response programs.
Department of Defense (DOD)	The Defense Security Cooperation Agency (DSCA) administers security cooperation programs including items transferred through State’s FMS program, and items provided through DOD’s Building Partner Capacity programs. DOD officials working in security cooperation organizations worldwide manage defense articles transfer programs administered by DOD and liaise with partner foreign officials for defense article transfer issues. DSCA is responsible for implementing defense articles transfer policy, including civilian harm mitigation and response.

Source: GAO interviews with agency officials and agency documents. | GAO-25-107077

U.S. Laws and Policies Prohibit Providing Defense Articles to Countries or Security Force Units That Consistently Violate Human Rights

U.S. statutes and executive branch policies govern the transfer of U.S. defense articles to foreign partners including the Arms Export Control Act (AECA) as amended, the Foreign Assistance Act (FAA), as amended, and the U.S. Conventional Arms Transfer Policy.¹³ In response to these requirements, State has developed procedures to promote adherence to human rights and to track the storage and security of transferred arms. In addition, the Biden administration updated U.S. policies to place a greater emphasis on human rights concerns. However, according to State officials, no transfers were stopped as a result of these policies.

U.S. Laws Establish Eligibility Requirements and Prohibit Assistance to Human Rights Abusers

U.S. laws authorize the transfer of defense articles from the U.S. government and address sales from private entities to foreign partners. These laws establish eligibility requirements and include requirements based on adherence to human rights standards. To implement these laws, agencies generally review recipients prior to the transfer of defense articles, including their adherence to human rights requirements. After the transfer of defense articles, agencies monitor the storage and custody of certain items. But as we have previously reported, agencies do not

¹³This report discusses the 2018 U.S. Conventional Arms Transfer policy and the 2023 update to that policy. In March 2025, the Trump administration rescinded the 2023 update to the Conventional Arms Transfer policy, and State officials said they reverted to the 2018 policy.

monitor how foreign partners use U.S. defense articles, including for potential human rights violations, under agency end-use monitoring programs.¹⁴

The Arms Export Control Act (AECA), as amended. This law provides the President the authority to control the transfer of defense articles and establishes congressional notification requirements for U.S. defense article transfers to foreign entities. The AECA states that no sales or deliveries may be made to a foreign partner if it has used defense articles in a substantial violation of the purposes for which the AECA authorizes transfers or the purposes set forth in an agreement under which the transfer was conducted.¹⁵ The AECA does not specifically mention human rights or define civilian harm or human rights violations resulting from the use of U.S.-origin defense articles as “misuse.”

The AECA requires the President to establish a program for monitoring the end use of defense articles and defense services sold, leased, or exported under that act or the Foreign Assistance Act. The AECA also requires that, to the extent practicable, the monitoring program be designed to provide reasonable assurance that recipients are complying with requirements imposed by the U.S. government on the use, transfers, and security of defense articles and defense services, and that recipients use such defense articles and services for the purposes for which they are provided.

In response to the AECA’s requirement for end-use monitoring programs, State and DOD developed the Blue Lantern and Golden Sentry programs, respectively. State’s Blue Lantern program is intended to monitor the end use of certain defense articles and services exported through direct commercial sales.¹⁶ Under the Blue Lantern program, State monitors whether defense articles and services exported as direct commercial sales are being used in accordance with the terms and conditions of transfer agreements, licenses and other authorizations. Under the Golden

¹⁴See GAO, *Northern Triangle: DOD and State Need Improved Policies to Address Equipment Misuse*, [GAO-23-105856](#) (Washington, D.C.: Nov. 2, 2022).

¹⁵See 22 U.S.C. § 2753. The AECA defines authorized purposes as internal security, legitimate self-defense, preventing the proliferation of weapons of mass destruction, amongst others. See 22 U.S.C. § 2754.

¹⁶22 U.S.C. § 2785. The primary requirements of this program, according to State officials, are to verify certain sensitive technologies (such as night vision goggles) are stored securely, and not diverted or misused in a manner where the technology could be obtained by other parties.

Sentry program, DOD verifies that defense articles transferred by DOD are being used in accordance with the terms and conditions of transfer agreements or other applicable agreements. State and DOD officials told us that these programs are not intended to monitor the actual use of transferred defense articles, such as whether they were used in potential human rights violations. For example, DOD's Golden Sentry program includes visits to security partners to verify whether the recipient has maintained custody of certain equipment and implemented any required physical security protections, but the visits are not intended to verify how recipients use the equipment. We previously reported that State and DOD officials told us they did not investigate any allegations of use for non-authorized purposes of DOD-provided equipment in Honduras or El Salvador from 2017 through 2021, including reports that Honduran military police used U.S.-origin rifles to injure and kill civilians.¹⁷

Section 3 of the AECA requires that State report to Congress upon receipt of information that "substantial violations" of the purpose, security, and transfer of defense articles or services may have occurred. In these cases, the recipient in question may be deemed ineligible for continued transfers of defense articles by either the President or Congress and would remain ineligible until State determines that the violation has ceased or that termination of transfers would have a significant adverse impact on U.S. interests. State has reported one substantial violation of end use to Congress under this provision of the law, according to our review of State documentation. The violation involved the Central African Republic's unauthorized transfer of U.S. origin vehicles to a third party in 2021.

The Foreign Assistance Act (FAA) of 1961, as amended. Provisions of this law establish eligibility requirements for the transfer of defense articles to foreign partners and establishes human rights prohibitions for certain arms transfers. In addition, the FAA provides authority for the transfer of excess defense articles to foreign governments and includes authorities to provide equipment to foreign national security forces, such as drawdown authorities. According to the FAA, a principal goal of U.S. foreign policy shall be to promote the increased observance of internationally recognized human rights by all countries. To further this

¹⁷See [GAO-23-105856](#). We recommended DOD, in consultation with State, evaluate DOD's end-use program to identify whether the program provides reasonable assurance that DOD-provided defense articles are only used for their intended purposes. DOD concurred with this recommendation. As of September 2024, DOD officials said they are collaborating with State to implement a study to evaluate the program.

goal, the FAA requires that no security assistance may be provided to any foreign partner of which the government engages in a consistent pattern of gross violations of internationally recognized human rights.

The FAA requires State to monitor and report on countries' observance of human rights standards, which is reflected in State's annual Country Reports on Human Rights Practices. These reports do not monitor for misuse of U.S. defense articles. For example, we previously reported that while the 2021 Country Report for El Salvador found credible reports of unlawful killings and forced disappearances by security forces, State officials said they had not considered using these reports to identify misuse of U.S. defense articles.

The FAA requires—subject to specified exceptions—the termination of future transfer of defense articles if a recipient is found to be in substantial violation of an agreement with the United States or otherwise uses U.S. defense articles for unauthorized purposes.

Leahy laws. Leahy laws, established in 1996, prohibit the U.S. government from providing certain security assistance to units of foreign security forces where there is credible information implicating a member of that unit in the commission of a GVHR.¹⁸ There is an exception to this restriction for assistance provided pursuant to the FAA or the AECA if the Secretary of State determines that the foreign government “is taking effective steps” to bring those responsible to justice. An exception also applies for assistance provided pursuant to assistance from funds made available to the Department of Defense when the Secretary of Defense determines that the recipient government has taken “all necessary corrective steps” or that assistance is necessary for humanitarian or national security emergencies.

¹⁸See Pub. L. No. 104-208, 110 Stat. 3009-133 (Sept. 30, 1996). This provision of law, commonly referred to as the Leahy Amendment applied to specified funds appropriated by the Foreign Operations, Export Financing and Related Appropriations Act, 1997. Similar language was included in subsequent appropriations acts funding foreign operations, and in 2007, Congress amended the FAA to include what is now known as the Leahy law. See Pub. L. No. 110-161, Div. J, § 651, 121 Stat. 2341 (Dec. 26, 2007) codified at 22 U.S.C. § 2387d. Congress first incorporated a Leahy amendment to funds appropriated to DOD in 1998. See Department of Defense Appropriations Act, 1999, Pub. L. No. 105-262, § 8130, 112 Stat. 2335 (Oct. 17, 1998) and codified a Leahy law into Title 10 of the United States Code in 2014. See Pub. L. No. 113-291, Div. A, § 1204, 128 Stat. 3531 (Dec. 19, 2014) codified at 10 U.S.C. § 362. The Leahy laws apply to defense articles provided under the FAA or AECA as well as to articles funded by amounts appropriated to the Department of Defense.

State policy calls for vetting all State and DOD assistance submitted through State's Leahy vetting system. The system is used to vet foreign security force units for credible information of a GVHR before providing covered assistance. State's Bureau of Democracy, Human Rights and Labor, along with relevant embassies and State regional bureaus, generally conduct vetting prior to providing assistance.

State has an additional vetting process for countries that receive assistance when the specific recipient unit is not known in advance of the transfer of defense articles. According to State officials, given the large volume or type of transfers that some countries receive, the specific unit that receives the assistance is not always known in advance. Any country where assistance is furnished but not all recipients can be identified prior to transfer must enter into a written agreement with the United States that their government will not provide such assistance to units identified by State that have been credibly implicated in the commission of a GVHR.

To assess human rights abuse allegations when regular vetting does not capture all potential transfers of assistance, State commissions a working group known as a Leahy vetting forum. This forum is convened to review reports of potential violations, as well as steps taken by recipient government to investigate the incidents, and bring those responsible to justice, if warranted.¹⁹ Since 2021, Leahy vetting forum processes have been developed for four countries: Israel, Ukraine, Egypt, and Jordan. State's PM bureau led the creation of the Leahy vetting forum process for Israel and Egypt and is a member of all Leahy Vetting Forum working groups. State's DRL bureau also participates in the process. The U.S. Embassy in the recipient country, as well as DOD, may also participate in Leahy vetting working groups.

The forum (1) reviews reports of alleged GVHR committed by the recipients' security forces and pending the outcome; (2) identifies any steps taken by the recipient government to investigate such incidents, and, if appropriate, hold those responsible accountable; and (3) determines whether U.S. security assistance or defense articles were involved. The forum also considers whether remediation policies apply, such as the suspension of assistance to a specific unit. State then either provides a list of units deemed ineligible to the recipient country, if appropriate, or makes recommendations on unit eligibility to the Secretary

¹⁹A requirement for this process was first made effective on December 31, 2021, under the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021. Pub. L. No. 116-260, Div. K, § 7035(b)(7), 134 Stat. 1757 (Dec. 2020).

of State. Under this process, State has identified certain security units in Ukraine, Egypt, and Jordan to be ineligible for security assistance.

**Arms Transfer Laws
Require Human Rights
Considerations; Agencies
Monitor Storage and
Security of Transferred
U.S. Defense Articles**

U.S. laws require the consideration of human rights prior to transferring certain defense articles and the establishment of a program for end-use monitoring of defense articles transferred under authority of the FAA or AECA. However, U.S. agencies have not required monitoring of the use of defense articles transferred to foreign partners for potential human rights violations or civilian harm. Specifically, while State and DOD have established end-use monitoring programs in response to legal requirements, the agencies noted these programs are not intended to monitor the use of U.S.-origin defense articles after they have been transferred.²⁰ In practice, this means U.S. agencies do not monitor how foreign partners use U.S. defense articles, including whether defense articles are used in violation of human rights requirements. Rather, these programs are designed to monitor storage, security, or unauthorized transfers of certain U.S.-origin defense articles (See table 2).

²⁰See GAO, *Northern Triangle: DOD and State Need Improved Policies to Address Equipment Misuse*, [GAO-23-105856](#) (Washington, D.C.: Nov. 2, 2022); and [GAO-22-105988](#).

Table 2: Legal Provisions Related to Human Rights in the Transfer of Defense Articles and Agency Monitoring Requirements

Laws related to transfers of defense articles	Provisions related to transfers of defense articles, security assistance, and human rights	Provisions related to monitoring transfers	Agency programs related to legal provisions
Arms Export Control Act, as amended (AECA)	Establishes the authority and rules of conduct for U.S. transfers but does not specifically refer to human rights. Prohibits transfers of defense articles to foreign countries that use arms for purposes not authorized by the AECA, or, if it is more restrictive than the act, a transfer agreement.	Requires establishment of a monitoring program designed, to the extent practicable, to provide reasonable assurance that the recipient is complying with the requirements imposed by the U.S. Government with respect to use, transfers, storage and security of defense articles and services. (This requirement also applies to transfers of defense articles authorized by the FAA.)	Blue Lantern is State's end-use monitoring program for direct commercial sales to foreign partners. The program does not monitor actual use, such as potential human rights violations by recipients using U.S. arms. State officials said that use of defense articles that causes civilian harm would not necessarily constitute "misuse by the approved recipient." Golden Sentry is DOD's end-use monitoring program for the transfer of U.S. defense articles to foreign partners. The program is not designed to prevent or identify misuse, though policy guidance identifies it as a key goal. In response to our recommendation, DOD is evaluating Golden Sentry to determine whether it provides reasonable assurance DOD-provided equipment is only used for its intended purpose.
Foreign Assistance Act, as amended (FAA)	States that a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries.	Requires State to report on the observance and respect of human rights practices of each foreign partner that receives security assistance.	State develops an annual Human Rights Report, which involves reporting on human rights practices in all countries receiving assistance and all UN member states. However, the report is not specifically intended to report on human rights abuses or other violations involving U.S. defense articles.
Leahy laws	Prohibits U.S. assistance from being provided to a foreign security force unit if there is credible information that the unit committed a gross violation of human rights.	Leahy laws do not require monitoring of U.S. defense articles after they have been transferred.	State, with assistance from DOD, vets units for allegations of gross violations of human rights as defined in the Leahy Laws when foreign security force members are nominated to receive U.S. assistance. For certain countries where the specific recipient unit is not known in advance, State evaluates reports of these violations on an ongoing basis and provides an ineligible unit list to the foreign partner as needed.

Source: GAO analysis of selected laws, including 22 U.S.C. § 2785, 22 U.S.C. § 2378d, and 10 U.S.C. § 362 as well as agency statements and documentation. | GAO-25-107077

As we have previously reported, U.S. agencies have not required monitoring of the use of transferred arms for potential human rights

violations.²¹ Specifically, we have reported that DOD’s end-use monitoring program is not intended to verify how recipients use transferred U.S.-origin equipment. Further, we have found reports of civilian harm by partners using U.S. defense articles may not have been investigated.²² We recommended State develop guidance for investigating allegations that recipient partners have used U.S. defense articles in substantial violation of relevant agreements, including for unauthorized purposes. In response, State developed a process to respond to reports of civilian harm involving U.S. defense articles, described in more detail later in this report. Additionally, in November 2022, we found that DOD determined that defense articles it had provided were misused. We recommended that the Secretary of Defense, in consultation with the Secretary of State, evaluate DOD’s Golden Sentry program to identify whether the program provides reasonable assurance, to the extent practicable, that DOD-provided equipment is only used for its intended purpose and develop a plan to address any deficiencies identified in the evaluation.²³ DOD concurred with this recommendation, and officials have told us that they are collaborating with the Department of State to review the Golden Sentry program.

U.S. Policy Updates Under the Biden Administration Emphasized Human Rights; No Transfers of Defense Articles Were Stopped as a Result

The U.S. Conventional Arms Transfer (CAT) policy. The CAT policy guides how the U.S. government will evaluate and make arms transfer decisions and includes consideration of human rights concerns. The policy is periodically updated to reflect the current administration’s priorities.²⁴ The Biden administration updated the 2018 Conventional Arms Transfer policy to place a greater emphasis on human rights, including conducting “appropriate monitoring.” No arms transfers were stopped as a result of this policy change. In March 2025, the Trump administration rescinded the 2023 update to the Conventional Arms

²¹GAO, *Yemen: State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates*, [GAO-22-105988](#) (Washington, D.C.: June 15, 2022).

²²See GAO, *Northern Triangle: DOD and State Need Improved Policies to Address Equipment Misuse*, [GAO-23-105856](#) (Washington, D.C.: Nov. 2, 2022).

²³[GAO-23-105856](#).

²⁴The White House, *National Security Memorandum, Memorandum Regarding U.S. Conventional Arms Transfer Policy* (Apr. 19, 2018). The White House, *National Security Memorandum - 18: United States Conventional Arms Transfer Policy* (Feb. 23, 2023).

Transfer policy, and State officials said they have reverted to the 2018 policy established during the first Trump Administration.²⁵

The 2023 update of the 2018 CAT policy had made two key changes related to human rights in transfers of defense articles. First, it placed a greater emphasis on human rights considerations, stating that “no arms transfer will be authorized where the United States assesses that it is more likely than not that the arms to be transferred will be used” in atrocities or other serious violations of international human rights laws. Second, it included a new provision for the United States to engage in “appropriate monitoring” as part of its effort to ensure defense articles are used responsibly and in accordance with the standard terms and conditions of arms transfer agreements and with international law obligations—including human rights laws. Table 3 summarizes key human rights-related changes in the 2018 and 2023 versions of the CAT policy.

Table 3: Human Rights-Related Changes to the U.S. Conventional Arms Transfer Policy

2018 policy	2023 policy change
Prohibited arms transfers if the United States had “ actual knowledge at the time of authorization ” that transferred arms would be used to commit human rights violations or other war crimes.	Prohibited arms transfers if “ it is more likely than not ” that such arms will be used by the recipient to commit, facilitate the recipients’ commission of, or aggravate risks that the recipient will commit certain international crimes, including serious violations of international humanitarian or human rights law.
No requirement for monitoring for human rights violations or other war crimes.	Noted the United States will engage in “ appropriate monitoring ” as part of its effort aimed at ensuring transferred arms are used responsibly and in accordance with conditions of arms transfers and obligations under international law, including those related to human rights.

Source: The White House, National Security Memorandum, Memorandum Regarding U.S. Conventional Arms Transfer Policy (Apr. 18, 2018). The White House, National Security Memorandum 18, Memorandum on United States Conventional Arms Transfer Policy (Feb. 23, 2023). | GAO-25-107077

Note: In March 2025, the Trump administration rescinded the 2023 update to the Conventional Arms Transfer policy, and State officials told us they reverted to the 2018 policy.

State officials said agencies did not develop new processes to implement the 2023 policy standards or monitoring requirement because existing processes already addressed them. According to State officials, State interpreted the CAT policy requirement to engage in “appropriate monitoring” to refer to the tracking and review of available, credible, and relevant reports or resources that would inform an assessment on the likelihood that a foreign purchaser will use or has used U.S.-provided

²⁵Exec. Ord. No. 14,236, *Presidential Actions - Additional Rescissions of Harmful Executive Orders and Actions*, 90 Fed. Reg. 13,037 (Mar. 20, 2025).

defense articles and services in accordance with the terms and conditions agreed to as part of the transfer. State officials said they review these reports to help inform pre-existing processes to mitigate and respond to the risk that U.S. defense articles may be involved in human rights violations.

In a prior report, we found that updates to the 2018 CAT policy also had not changed agency processes for reviewing proposed arms transfers.²⁶ However, updates to the CAT policy may influence how officials weigh, prioritize, and evaluate potential transfers on a case-by-case basis. For example, officials noted the outcomes of certain individual cases might change because of new priorities identified in the 2018 CAT policy even if procedures remain the same. State did not pause any arms transfers as a result of the 2023 CAT policy.

National Security Memorandum-20 (NSM-20). In February 2024, the Biden administration issued NSM-20, which required State to obtain written, credible assurances from partner governments receiving certain U.S. defense articles will (1) use any such defense articles in accordance with international humanitarian law and other international law as applicable and (2) enable and not arbitrarily deny, restrict, or otherwise impede the transport or delivery of U.S. humanitarian assistance or U.S. government supported international efforts to provide humanitarian assistance.²⁷ When assessing the credibility and reliability of these assurances, State considered, among other things, whether the foreign partner's previous adherence to international humanitarian law suggests they are likely to comply with NSM-20's requirements. State's Political Military Affairs Bureau led the coordination of these assessments, which included the Bureau of Democracy, Human Rights and Labor, regional bureaus, relevant embassies, and other State offices.

In May 2024, State and DOD issued a report to Congress under NSM-20 regarding seven countries deemed by State to be in active conflict. State found the assurances provided by each recipient to be credible and reliable to allow the provision of covered arms and equipment to continue. In State's assessment of Israel's assurances, State also noted that Israel

²⁶See GAO, *Conventional Arms Transfer Policy: Agency Processes for Reviewing Direct Commercial Sales and Foreign Military Sales Align with Policy Criteria*, [GAO-19-673R](#) (Washington, D.C.: Sept. 9, 2019).

²⁷The White House, *National Security Memorandum-20: Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services*, Feb. 8, 2024.

did not share complete information to verify whether U.S. defense articles covered under NSM-20 were specifically used in actions that have been alleged as violations of international humanitarian law in Gaza, or in the West Bank and East Jerusalem, during the period of the report. The assessment further stated that U.S.-origin defense articles were likely to have been involved in numerous incidents that raised concern about Israel's compliance with human rights obligations, and that it was reasonable to assess that defense articles covered under NSM-20 had been used by Israel inconsistent with its human rights obligations. However, in the report, State noted it had not yet reached definitive conclusions on whether U.S.-origin defense articles were used in specific incidents that were inconsistent with international humanitarian law. According to the report, State was planning to review these incidents and make recommendations to reduce the risk of civilian harm, but had not curtailed security assistance to Israel. State also noted in its report that it was not aware of misuse of U.S. arms by Ukraine. State did not pause any arms transfers as a result of the NSM-20 policy. The Trump administration rescinded NSM-20 on February 21, 2025.

Agency Processes May Not Fully Address Risk That Transferred U.S. Defense Articles May Be Involved in Human Rights Violations

Longstanding State and DOD processes collectively help to mitigate the risk that U.S. defense articles could be involved in human rights violations, according to officials. These separate processes are intended to independently help address various aspects of this risk, through efforts such as vetting potential recipients and verifying custody of transferred defense articles. In addition, State and DOD have each developed separate processes for responding to incidents of civilian harm involving U.S. defense articles. For instance, State's CHIRG process reviews incidents of civilian harm involving U.S. defense articles and intends to provide recommendations to mitigate the risk of future incidents. However, this process may not be investigating the full scope of incidents and does not have enough staff to manage the related workload. DOD's process intends to respond to civilian harm incidents through increased coordination with allies and partners, among other things.

State and DOD Have Processes to Ensure Responsible Use of Transferred Defense Articles

State officials said that several existing agency processes are intended to help ensure that transferred U.S. defense articles are used responsibly by foreign partners. Specifically, State and DOD implement various pre-transfer and post-transfer efforts to mitigate the risk that such defense articles may be used by foreign partners to violate human rights, according to agency officials.

Pre-transfer Efforts

State officials said that pre-transfer efforts help ensure that transferred U.S. defense articles will be used responsibly by recipients. Pre-transfer efforts include the following activities:

1. **Leahy vetting:** As previously noted, the Leahy laws prohibit the U.S. government from providing U.S. assistance to units of foreign security forces where there is credible information implicating that unit in the commission of a gross human rights violation.²⁸ To implement these laws, State generally vets individuals or units for potential human rights concerns before the U.S. government provides applicable assistance. Vetting begins in the partner country, where the U.S. embassy officials conduct consular, political, and other security and human rights checks. Most often, State analysts in Washington, D.C. also assess available information about the human rights records of the unit and the individual. If State human rights vetting uncovers derogatory information about the potential recipient that credibly identifies a GVHR, State and DOD are barred from providing security assistance to the recipient.

Alternatively, if individual or unit-level recipients cannot be identified in advance, State must regularly provide a list of units prohibited from receiving assistance under the State Leahy law to the recipient government. In addition, assistance may only be provided subject to a written agreement that the recipient government will not provide U.S.-furnished assistance to units prohibited by State. Consistent with this provision, State has entered into such agreements with Egypt, Israel, Ukraine, and Jordan. For those countries, in addition to standard Leahy vetting conducted any time a specific security force unit is proposed to receive applicable assistance, State also conducts ongoing reviews of allegations of GVHR committed by its security forces. In these cases, a Leahy vetting forum for the applicable country reviews (1) reports of alleged GVHRs committed by the given country's security forces units and (2) any steps taken by the government of the country concerned to investigate such incidents and, if warranted, bring those responsible for a GVHR to justice. As of February 2025, this vetting process has identified 11 units in Ukraine, nine units in Jordan, and three in Egypt that are ineligible to receive U.S. assistance.

²⁸Leahy laws apply to U.S. assistance provided pursuant to the FAA or AECA, as well as assistance using funds provided to the Department of Defense. Leahy vetting does not occur for defense articles purchased with a recipients own national funds.

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2. **Arms Transfer Reviews:** GAO has previously reported that when considering a proposed transfer of defense articles, State and DOD consider human rights records among the criteria.²⁹ In addition, State and DOD conduct a series of reviews during the arms transfer process, including human rights reviews, national security reviews, and country team assessments, to ensure that proposed transfers are consistent with CAT policy requirements. For example, State officials said the agency may examine previous or ongoing use of military force and any credible reports that the partner committed serious violations of international humanitarian law or international human rights law. State officials said the described assessment is done on an ongoing basis for countries that have received U.S. defense articles, services, and information. There is no specific incident or circumstance that would trigger the assessment other than the end user having received U.S. defense articles, services, and information, according to State officials.

In addition to these reviews, State officials said State and DOD may also consult with the intended end user throughout the arms transfer process to ensure that (1) the security capability that would be provided through the transfer is consistent with U.S. foreign policy goals, (2) the intended end user understands what types of activities would constitute both appropriate and inappropriate end use of the defense articles that they will receive, and (3) the intended end user understands its obligations to protect the defense articles from unauthorized access or use. State officials said that, rather than deny a transfer request, they work with potential recipients to alter requests when derogatory information would otherwise require denying the requested arms.

3. **End-user assurances:** For FMS transfers State obtains written end-user assurances that foreign partners will use U.S. defense articles in accordance with the conditions of the transfer and acknowledge their obligations under international law—including human rights laws—on two separate occasions.
- First, end users provide these assurances within signed transfer agreements for FMS transfers. In accordance with the FAA and

²⁹GAO, *Conventional Arms Transfer Policy: Agency Processes for Reviewing Direct Commercial Sales and Foreign Military Sales Align with Policy Criteria*, [GAO-19-673R](#) (Washington, D.C.: Sept. 9, 2019).

AECA,³⁰ and as reflected in the LOA's Standard Terms and Conditions, recipients must agree

- to use U.S.-provided defense articles, training, and services only for their intended purpose;
- not to transfer title to, or possession of, any defense article or related training to anyone not an officer, employee, or agent of that country or of the U.S. government without prior written consent of the U.S. government; and
- to maintain the security of any article with substantially the same degree of protection afforded to it by the U.S. government.

The list of acceptable uses for U.S. defense articles, as identified in the Standard Terms and Conditions, is drawn from the AECA.³¹ As noted above, the AECA does not specifically identify human rights violations as unauthorized uses of U.S. defense articles, nor do they define misuse more broadly. The standard terms and conditions contained in these agreements also require the recipient to note their obligations under international humanitarian and human rights law. However, the standard terms and conditions note that this provision does not impose any additional legal obligations on foreign partners and is intended to highlight the role of humanitarian and human rights law as part of the arms transfer.

- Second, for certain U.S.-funded transfers, NSM-20 required State to obtain additional assurances that these items be used in accordance with international humanitarian law and, as relevant, other international legal provisions.³² For foreign partners that received these defense articles and were engaged in an active armed conflict, NSM-20 assurances were due on March 24, 2024. State received written assurances from the seven foreign partners it determined were in active conflict as of the issuance of the memo. For relevant foreign partners that were not engaged in such conflict but still received relevant assistance, assurances were due on August 6, 2024. As of February 2025, State had obtained these 67 assurances from relevant foreign partners and determined 66 assurances were credible and reliable. According to State officials, the remaining assurance was

³⁰See section 505 of the FAA (22 U.S.C. § 2314) and Section 3 of the AECA (22 U.S.C. § 2753).

³¹State can impose additional use requirements in specific arms transfer agreements.

³²These NSM-20 assurances applied to arms purchased using U.S. funding, including foreign military financing and funds made available to the Department of Defense.

under review when NSM-20 was rescinded on February 21, 2025. According to State officials, these assurances were a one-time requirement unless State or DOD determine additional assurances are necessary. Officials also said PM had hosted monthly review panels for the seven foreign partners in conflict and a quarterly panel for the non-conflict foreign partners. These panels allowed State, DOD, and the U.S. Agency for International Development to discuss any issues that may have called these assurances into question.

In addition to these two types of assurances, State officials said they may also assess a potential end user's history of adherence to assurances, which may indicate the likelihood of future improper or unauthorized use. These assessments are done on an ongoing basis for foreign partners that have received U.S. defense articles, services, and information. There is no specific type of incident or circumstance that would trigger these compliance assessments other than the end user having received U.S. defense articles, services, and information, according to State officials.

Post-transfer Efforts

State officials said that post-transfer efforts designed in response to existing arms transfer laws may also help ensure that U.S. defense articles are used responsibly by foreign partners. DOD's Golden Sentry program is the primary end-use monitoring program for FMS transfers and is intended to verify that U.S. defense articles or services are being used in accordance with the terms and conditions of the transfer agreement or other applicable agreement.³³ The standard terms and conditions of FMS transfers also give the United States the authority to (1) verify reports that defense articles have been used for unauthorized purposes, and (2) verify the use, transfer, and security of transferred defense articles, among other things.

Officials said the primary goal of end-use monitoring is to obtain information about the end users' compliance with its assurances to protect the defense articles from unauthorized use or access. For instance, GAO previously found that Golden Sentry primarily verifies the physical custody and security of U.S. defense articles transferred to

³³State's Blue Lantern program is the primary EUM program for Direct Commercial Sale transfers.

foreign partners.³⁴ To do so, State and DOD end-use monitoring activities may include scheduled inspections, physical inventories, general inquiries, and reviews of accountability records. The agencies may also remind the end user of their obligations to use the defense articles appropriately and to obtain U.S. government authorization for transfers of the defense articles to third parties, or to allow the use of the defense articles for purposes other than those authorized by the U.S. government.

State Lacks the Information and Resources to Assess Civilian Harm Incidents Involving Transferred U.S. Defense Articles

In response to our June 2022 recommendation to “develop specific guidance for investigating any indications that U.S. defense articles have been used in Yemen by Saudi Arabia or UAE,” State developed the Civilian Harm Incident Response Guidance (CHIRG) and began implementing it in August 2023.³⁵ In the CHIRG, State established procedures for identifying, assessing, and responding to reports of civilian harm—including human rights abuses—caused by an authorized recipient using U.S. defense articles. The guidance directs State’s bureaus of Political-Military Affairs (PM) and Democracy, Human Rights, and Labor (DRL) to identify, recommend, and document what actions State can and will take, if any, in response to such incidents. These actions may involve legislative or policy responses required under the Leahy laws, the CAT policy, the AECA, and the FAA.

The CHIRG process begins when U.S. government personnel submit reports of alleged civilian harm incidents – potentially including violations of human rights involving transferred U.S. defense articles – into a U.S. government-only email inbox jointly monitored by PM and DRL. As of April 2025, this U.S. government-only reporting mechanism had yielded 634 reported incidents potentially involving civilian harm.³⁶ According to State officials, most of these reported incidents resulted from the ongoing Israel-Hamas conflict. However, external parties have identified

³⁴GAO recommended DOD “evaluate DOD’s Golden Sentry program to identify whether the program provides reasonable assurance, to the extent practicable, that DOD-provided equipment is only used for its intended purpose and develop a plan to address any deficiencies identified in the evaluation.” GAO, *Northern Triangle: DOD and State Need Improved Policies to Address Equipment Misuse*, [GAO-23-105856](#) (Washington, D.C.: Nov. 2, 2022).

³⁵GAO recommended State “develop specific guidance for investigating any indications that U.S.-origin defense articles have been used in Yemen by Saudi Arabia or UAE”. [GAO-22-105988](#).

³⁶According to CHIRG guidance, a civilian harm incident includes one or more of (i) the death of at least one civilian; (ii) injury to a substantial number of civilians; and/or (iii) significant damage to civilian objects, including but not limited to places of worship, schools, hospitals, or residential buildings from military operations.

thousands of potential incidents as a result of this same conflict. For example, Airwars, a nongovernmental organization that monitors civilian deaths in conflicts, reported that it verified more than 8,000 civilian harm incidents and reported more than 30,000 civilian deaths resulting from the Israel-Hamas conflict, as of February 2025. Similarly, the United Nations has reported more than 47,000 casualties resulting from the conflict in Gaza.³⁷

Federal internal controls standards require agencies to use quality information to achieve their program objectives. To do so, they should obtain relevant data from internal and external sources in a timely manner.³⁸ State has communicated its U.S. government-only reporting mechanism to agencies at U.S. diplomatic posts worldwide, including all agencies with representation at U.S. embassies and consulates. However, the CHIRG mechanism does not allow external parties (e.g., the United Nations and Airwars) to report civilian harm incidents directly into the CHIRG inbox. While U.S. government personnel can forward open source reporting from NGOs and media sources to the CHIRG for review, officials said that no State employees are specifically tasked with conducting open source searches of external information sources and reporting evidence of civilian harm involving U.S. defense articles. State officials told us that they had considered a change to the CHIRG mechanism that would allow external parties to report civilian harm incidents, though State officials noted this would require additional staff and resources. Officials confirmed that State uses a publicly available mechanism to collect alleged gross violations of human rights for the purposes of the Leahy Vetting Process.³⁹ State does not have a mechanism to systematically incorporate external parties' allegations of civilian harm into its CHIRG process. Without developing such a mechanism, State may not be comprehensively identifying allegations or assessing all relevant cases. Therefore, recipient partners may be using U.S. arms in cases of civilian harm without State learning of or taking appropriate steps to address such potential misuse.

³⁷United Nations' figures are derived from the Ministry of Health in Gaza.

³⁸GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

³⁹This State mechanism is called the Human Rights Reporting Gateway. For more details, see Human Rights Reporting Gateway ([state.gov](#)).

For the reported incidents State does receive, the CHIRG process designed to respond to them is organized into three stages:

- **Stage 1: Incident analysis.** Using a multi-step process, State reviews the report of a civilian harm incident possibly involving a U.S. defense article, along with readily available public and nonpublic information. The goal of Stage 1 is to ultimately determine whether the reported incident is more likely than not to have involved (1) civilian harm and (2) use of U.S. defense items by an authorized foreign government end user. Cases in which this “more likely than not” standard for both criteria are not met are closed, and cases in which the standard is met move on to Stage 2.
- **Stage 2: Policy impact assessment.** Using the information gathered in Stage 1, State assesses any possible violations of international law, end-use agreements, International Traffic in Arms Regulation licenses, exemptions, other approvals, or other relevant laws or bilateral/multilateral agreements or arrangements that may have occurred during the reported incident. On the basis of its assessment, State identifies (1) any actions it is legally required to take, such as congressional reporting requirements outlined in the AECA, as well as (2) any additional U.S. government actions not required by law but which PM or DRL, in coordination with relevant regional bureaus, recommend as a policy matter. State then shares their findings with relevant interagency partners.
- **Stage 3: Reporting and department action.** PM, DRL, and the relevant regional bureau develop an action plan based on the findings from Stage 2. State develops this action plan in consultation with interagency partners and obtains all internal State approvals necessary to implement each proposed action. State then shares these action plans with relevant interagency partners upon approval.

As of April 4, 2025, State had received 634 reported cases of civilian harm. Of these cases, 54 were closed after the Stage 1 assessment determined it more likely than not that civilians were either not harmed, or U.S. defense articles were not involved in the incident. An additional 571 other cases were still in the process of Stage 1 analysis. Of these cases, 98 were under active review while 473 reported incidents were pending and had not gone through the initial steps of Stage 1. Two cases were in to Stage 2 analysis after State determined the reports to be credible. These cases were being assessed for policy implications before advancing to Stage 3. Seven cases were in Stage 3, in which State develops action plans to address civilian harm reports they deemed credible.

When designing the CHIRG process, State anticipated that cases would be completely assessed and action plans issued within 2 months of the initial report.⁴⁰ In addition, in July 2024, State officials estimated that it takes approximately 100 hours of investigative work to complete each case. However, State did not anticipate implementing the CHIRG in active conflict zones involving thousands of allegations of civilian harm potentially caused by U.S. defense articles, according to State officials. As of April 2025, no CHIRG cases had been completed within these time frames and some of these cases have been in process for nearly a year. Further, officials said they could not provide a timeline for completing their backlog of open cases. State officials identified two main challenges that have affected their ability to investigate cases within the envisioned 2-month time frame:

- **Severity of conflict:** State officials noted that the intensity of some conflicts, such as the Israel-Hamas conflict, can cause a higher than anticipated volume of civilian harm incidents to be reported into the CHIRG process. In this conflict, Israeli defense forces regularly engage non-uniformed combatants in areas heavily populated by civilians, according to State officials, which may lead to a higher volume of civilian harm incidents. State officials said that the scale and frequency of civilian harm reports has led to an unsustainable number of ongoing investigations. For example, officials said that in one instance they received a bulk CHIRG submission that contained 472 separate incidences of civilian harm from a single reporting source. In addition, State officials noted that the inaccessibility of information in these types of environments also poses a challenge when gathering information to verify reported incidents.
- **Staff/resources:** As of December 2024, there were five full-time equivalent (FTE) staff members working on CHIRG investigations. The DRL team included two FTE staff and two contractors. PM has one additional FTE working on CHIRG cases and is in the process of hiring another FTE staff member. In addition, PM has also borrowed staff from its bureau to staff the CHIRG, including three FTEs from its Global Team and three additional interns. PM also requested additional FTEs in its fiscal year 2025 budget request, although the request did not specifically note additional positions would be assigned to the CHIRG.

⁴⁰State guidance notes that in the event additional time is needed, investigators can submit a memo to PM/RSAT and DRL/SHR management explaining the need for additional time to complete the process.

According to State officials, PM and DRL are in the process of conducting a post-implementation review as required by the CHIRG itself, to identify and address any inefficiencies and to revise the process, as needed, to respond more effectively to reported incidents of civilian harm involving U.S. defense articles. As civilian harm reports in the CHIRG process increase, State would be better positioned to manage these cases if it determines the appropriate staffing levels needed to investigate these incidents in a timely manner. In our previous work, we recommended that agencies should develop resourcing strategies tailored to address gaps in number, deployment, and alignment of human capital approaches.⁴¹ Such strategies may include the use of staff development, flexibilities, and other human capital strategies and tools that can be implemented with available resources. With appropriate staffing and resources levels, State would be better able to investigate the full scope of reported civilian harm incidents in a time frame it deems acceptable.

DOD Is Implementing a Plan to Respond to Civilian Harm Incidents

In parallel to State's CHIRG, as of February 2025, DOD is developing a process to respond to incidents of civilian harm in its own military operations, including those involving U.S. security partners. Begun in response to a January 2022 Secretary of Defense decision, the Civilian Harm Mitigation Response Action Plan (CHMR-AP) is intended to create processes to improve the efficacy of military operations while also mitigating civilian harm. According to DOD, the end of U.S. military missions in Afghanistan and the transition to an advisory role in Iraq, as well as recent investigations and studies relating to incidents of civilian harm, prompted DOD to examine and improve its ability to mitigate and respond to civilian harm caused by military operations. As a result, the Secretary of Defense directed the creation of the CHMR-AP and supporting processes to mitigate civilian harm. While the majority of the plan's 11 objectives focus on internal DOD processes, the agency has identified one objective—consisting of seven discrete actions—designed to support ally and partner efforts to mitigate civilian harm and begun taking steps to implement them (see table 4). As of December 16, 2024 DOD officials told us the agency was in the final phases of implementing all 11 CHMR-AP objectives.

⁴¹GAO, *Human Capital: Key Principles for Effective Strategic Workforce Planning*, [GAO-04-39](#) (Washington, D.C.: Dec. 2003).

Table 4: Status of DOD Activities That Support Ally and Partner Efforts to Reduce Civilian Harm as of December 16, 2024

Action items to implement the Civilian Harm Mitigation Response Action Plan	Status as of December 2024
Establish procedures to integrate civilian harm mitigation efforts across DOD security assistance programs.	DOD completed these procedures in December 2023.
Establish a Civilian Harm Mitigation Response office within DSCA to coordinate implementation of civilian harm mitigation efforts across DOD security assistance programs.	DSCA established the office and hired the four allocated staff members.
Establish Civilian Harm Mitigation Response officers to integrate civilian harm mitigation efforts into security cooperation policies, programs, and activities; multinational strategies and plans; theater security cooperation strategies; and country campaign plans.	DOD completed the process of filling Civilian Harm Mitigation and Response positions.
Develop interim policy guidance identifying the roles, responsibilities, and procedures through which it acts, as appropriate, in response to reports of civilian harm by ally or partner forces from U.S. government and non-U.S. government sources.	DOD completed drafting this policy guidance and is finalizing internal review of the product.
Develop frameworks for assessing ally and partner civilian harm mitigation capabilities, applied when developing and implementing security cooperation programs and when planning and conducting multinational operations.	DOD completed this work in October 2024.
Incorporate analysis of partner capabilities into relevant product lines and mission sets to inform ally and partner baseline assessments and monitoring of security cooperation programs.	DOD is currently implementing this action item across multiple lines of effort. For example, DOD is including this analysis into FY26 resource allocation planning for their International Security Cooperation Programs account.
Develop initial ally and partner baseline assessments for priority countries and ensure assessments are available to the security cooperation enterprise, military departments, and relevant combatant commands.	DOD completed baseline assessments in two countries in 2024 and expects to conduct baseline assessments in four additional countries in fiscal year 2025.

Source: GAO analysis of Department of Defense (DOD) information. | GAO-25-107077

Conclusions

U.S. laws and policies emphasize the United States’ commitment to human rights principles. U.S. laws prohibit providing defense articles and services to partners that consistently violate human rights laws, or to individual security forces where there is credible information they committed a gross violation of human rights. Agencies engage in pre-transfer checks to guard against the risk of partners committing human rights abuses using U.S. defense articles, and State has established guidance for responding to reports that the use of U.S. supplied weapons resulted in civilian harm.

As of April 2025, more than a year following the initiation of its effort to respond to potential civilian harm incidents, State has received hundreds of reports. State has determined some of these reports to be credible, but not yet developed a coordinated action plan to respond to these incidents,

the final step in the process State has established to respond to incidents of civilian harm. Over the same period, non-governmental organizations including the United Nations have identified thousands of instances of potential civilian harm committed using U.S. defense articles by just one of many recipient partners. This discrepancy may be due in part to State's policy to allow only U.S. government employees to identify potential incidents for departmental review. External parties cannot report civilian harm incidents directly into the process. By developing a mechanism that would incorporate external reporting, State could more thoroughly identify and respond to the full scope of civilian harm incidents potentially carried out with U.S. defense articles. State has also noted that it did not have sufficient staff or resources to investigate the existing incidents in a timely manner. By developing a strategy to identify appropriate staffing and resource needs, State would be better positioned to more efficiently investigate and address potential incidents.

Recommendations for Executive Action

We are making the following two recommendations to State:

The Secretary of State should ensure that the Directors of the Political Military Bureau and the Democracy, Human Rights, and Labor Bureau develop a mechanism to incorporate external parties' allegations of civilian harm using U.S. defense articles into its CHIRG reporting process, such as an online gateway similar to its human rights reporting gateway. (Recommendation 1)

The Secretary of State should ensure that the Directors of the Political Military and Democracy, Human Rights, and Labor—as they review the CHIRG process for efficiency improvements—develop and implement a strategy to identify appropriate staffing and resources for the process. Such a strategy could include the use of staff development, flexibilities, and other human capital strategies and tools that can be implemented with available resources. (Recommendation 2)

Agency Comments and our Evaluation

We provided a draft of this report to the Departments of State and Defense for review and comment. State and DOD provided written comments, see appendices II and III.

In its written comments, State did not explicitly agree or disagree with either recommendation. Regarding our first recommendation—to develop a mechanism to incorporate external parties' allegations of civilian harm using U.S. defense articles into its Civilian Harm Incident Response Guidance (CHIRG) reporting process—State noted that creating an external facing mechanism would be unnecessary, given that the

Department already has an established process to consider information reported by non-governmental organizations (NGOs) and the media. However, as we note in this report, State's existing process for reporting potential incidents of harm is available solely to U.S. government personnel. NGOs have independently reported thousands of civilian harm incidents stemming from just one conflict alone, while State officials are reviewing fewer than 600 total such cases under the CHIRG, as of April 2025, reported by U.S. government personnel. We defer to State to determine the best mechanism by which to more fully incorporate external parties' allegations of civilian harm in its CHIRG process, which may not necessarily be direct public submission. However, we maintain that incorporating information on alleged incidents from sources other than government personnel could provide important insight into the extent of potential civilian harm involving U.S. arms.

State also suggested that creating a mechanism for public submission would be impractical given staff and resource constraints. As noted in our report, State is in the process of reviewing the CHIRG for efficiency and effectiveness. In developing a mechanism to incorporate information from external parties, State could determine how best to do so in a feasible and effective way. Further, as reflected in our second recommendation, implementing a strategy to identify appropriate staffing and resources for the CHIRG process could help position State to manage its cases in a timely manner. In its written comments, State noted that the Political-Military Affairs Bureau and the Democracy, Human Rights and Labor Bureau will continue its review of the CHIRG process and identify appropriate staffing and resources to address civilian harm globally.

DOD provided comments, which we incorporated as appropriate. Specifically, during the time this report was with State and DOD for review and comment, NSM-20 was rescinded. DOD requested that we note the rescission, which we have done.

We are sending copies of this report to the appropriate congressional committees, the Secretary of State, the Secretary of Defense, and other interested parties. In addition, this report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at kenneyc@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IV

//SIGNED//

Chelsa Kenney
Director, International Affairs and Trade

Appendix I: Objectives, Scope, and Methodology

House Report 118-125, the House Armed Services Committee report accompanying legislation which became the National Defense Authorization Act for Fiscal Year 2024, includes a provision for us to review laws and policies related to arms transfers and human rights as well as efforts to conduct monitoring of potential human rights violations involving U.S.-origin defense articles. This report examines (1) laws and policies related to human rights that govern the transfer or use of U.S. arms and equipment and (2) the extent to which agencies mitigate and respond to the risk that U.S. arms or equipment may be involved in human rights violations.

To determine laws that govern the transfer or use of U.S. arms to foreign partners, we reviewed relevant laws and statutes relevant to the transfer or sale of U.S. arms, including Direct Commercial Sales, Foreign Military Sales, Foreign Military Financing (Title 22); and Building Partner Capacity funding (Title 10). These laws included the Arms Exports Control Act, as amended, the Foreign Assistance Act, as amended, and legal provisions referred to collectively as the “Leahy laws.”

To determine the policies and guidance related to arms transfers and human rights, we reviewed the Conventional Arms Transfer (CAT) policies updated under the Trump and Biden Presidential administrations.¹ We also reviewed policies established under the 2024 National Security Memorandum-20, and associated reports produced by State.² We compared the 2018 CAT policy to the 2023 CAT policy to determine significant changes to the human rights standards and monitoring requirements of these policies. To conduct the comparison, one analyst reviewed the CAT policies and noted any significant changes related to human rights standards and monitoring provisions. For our purposes, a significant change was defined as one in which there were changes to human rights standards as well as requirements related to monitoring for human rights purposes. A second analyst reviewed the

¹National Security Memorandum, *Memorandum Regarding U.S. Conventional Arms Transfer Policy* (Apr. 19, 2018). National Security Memorandum 18, *Memorandum on United States Conventional Arms Transfer Policy* (Feb. 23, 2023). Exec. Ord. No. 14,236, *Presidential Actions - Additional Rescissions of Harmful Executive Orders and Actions*, 90 Fed. Reg. 13,037 (Mar. 20, 2025).

²National Security Memorandum 20, *National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services* (Feb. 8, 2024).

assessment of the first. Where there were discrepancies, analysts resolved them through discussion.

We reviewed State and DOD guidance developed to implement legal and policy requirements, including State's Leahy Vetting Guide and documents related to State and DOD's end-use monitoring programs, Blue Lantern and Golden Sentry. We reviewed policies and guidance regarding alternative applications of the Leahy laws, for cases where the specific partner security units receiving defense articles cannot be determined in advance, and where Leahy procedures are therefore applied on a continuous basis. We met with agency officials to determine how the application of Leahy requirements differs from standard Leahy requirements. We interviewed agency officials to determine how U.S. laws, policies, and guidance are implemented and what processes have been developed to implement them.

To determine how State and DOD mitigate and respond to the risk that transferred U.S. defense articles may be used to commit human rights abuses, we reviewed information on State and DOD pre- and post-transfer risk mitigation efforts. We examined agency documentation, policies, and procedures and interviewed agency officials to describe steps State and DOD take to mitigate the risk that transferred U.S. arms may be used to commit human rights violations. Specifically, we reviewed documentation and interviewed officials regarding State and DOD processes related to vetting, arms transfers reviews and assurances, and end-use monitoring efforts.

In addition, we also reviewed information on State and DOD civilian harm incident response efforts. We reviewed relevant guidance and interviewed relevant State and DOD officials about these efforts and related processes. Additionally, we requested and reviewed aggregate figures from State on the number of reported incidents of civilian harm involving transferred U.S. arms. We compared this data to publicly reported figures from international and non-governmental organizations to identify differences in the volume of reported incidents between the two groups. Any civilian harm data in this report is derived from interviews and other testimonial sources and is not the product of our original data collection and analysis.

We determined that one component of Standards for Internal Control in the Federal Government, Principle 13, was significant to our examination

of State's civilian harm incident response efforts.³ This principle calls for federal agencies to use quality internal and external data to achieve their objectives. In addition, we applied GAO key principles for effective strategic workforce planning to determine the extent to which State has developed a strategy to address human capital conditions needed to effectively staff civilian response process.⁴

We conducted this performance audit from September 2023 to April 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

³GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

⁴GAO, *Human Capital: Key Principles for Effective Strategic Workforce Planning*, [GAO-04-39](#) (Washington, D.C.: Dec. 11, 2023).

Appendix II: Comments from the State Department



United States Department of State

Washington, D.C. 20520

MAR 31 2025

Kimberly Gianopoulos
Managing Director
International Affairs and Trade
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548-0001

Dear Ms. Gianopoulos:

We appreciate the opportunity to review your draft report, "HUMAN RIGHTS: State Can Improve Response to Allegations of Civilians Harmed by U.S. Arms Transfers." GAO Job Code 107077.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Johnson".

Jeffrey D. Johnson
Acting Deputy Comptroller for Financial,
Audit, and Technology Management
Bureau of Comptroller & Global Financial
Services

Enclosure:

As stated

cc: GAO – Chelsa Kenney
OIG – Norman Brown

Department of State Response to GAO Report
Human Rights: State Can Improve Response to Allegations of Civilians
Harmed by U.S. Arms Transfers
(GAO-25-107077, GAO Code 107077)

Thank you for the opportunity to comment on the GAO draft report *“Human Rights: State Can Improve Response to Allegations of Civilians Harmed by U.S. Arms Transfers.”*

Recommendation 1: The Secretary of State should ensure that the Directors of the Political Military Bureau and the Democracy, Human Rights, and Labor Bureau develop a mechanism to incorporate external parties’ allegations of civilian harm using U.S. defense articles into its CHIRG reporting process, such as an online gateway similar to its human rights reporting gateway.

Department Response: State incorporates external parties’ allegations of civilian harm in the flow of information reviewed by the Department, including by encouraging non-governmental organizations to share related information to their government points of contact. Creating an additional external-facing mechanism for public submissions would be impractical given staff and resource constraints and unnecessary given that the Department already has an established process to consider information reported by NGOs and the media as part of the CHIRG.

Recommendation 2: The Secretary of State should ensure that the Directors of the Political Military and the Democracy, Human Rights, and Labor Bureaus—as they review the CHIRG process for efficiency improvements—develop and implement a strategy to identify appropriate staffing and resources for the process. Such a strategy could include the use of staff development, flexibilities, and other human capital strategies and tools that can be implemented with available resources.

Department Response: The Political-Military Affairs Bureau and the Democracy, Human Rights, and Labor Bureau will continue to review

efficiencies in the CHIRG and identify appropriate staffing and resources to address civilian harm globally.0

Appendix III: Comments from the Department of Defense



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
2400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2400

STRATEGY, PLANS
AND CAPABILITIES

Ms. Chelsa Kenney
Director, International Affairs & Trade
U.S. Government Accountability Office
441 G Street, NW
Washington DC 20548

Dear Ms. Kenney,

This letter serves as the Department of Defense (DoD) response to the GAO Draft Report, GAO-25-107077SU, 'HUMAN RIGHTS: State Can Improve Response to Allegations of Civilians Harmed by U.S. Arms Transfers, (GAO Code 107077). This audit did not result in recommendations for executive action to DoD. However, DoD will coordinate with the Department of State regarding its recommendations where applicable.

Additionally, on February 21, 2025, National Security Memorandum-20 (NSM-20) was rescinded. Therefore, DoD requests that GAO acknowledge NSM-20's cancellation in relevant documents. Lastly, to GAO's March 7, 2025 query, which asked to what extent the potential closing of the Civilian Harm Mitigation and Response (CHMR) office and the Civilian Protection Center of Excellence (CP CoE) "will affect the seven actions DoD has taken under the CHMR-AP, or will continue to take, regarding supporting ally and partner efforts to mitigate civilian harm," the CP CoE does not have a primary role in implementing CHMR in DoD's security cooperation programs and activities.

My point of contact in this matter, Sara Cousart, can be reached at sara.y.cousart.civ@mail.mil or (703) 692-2103.

Sincerely,

A handwritten signature in blue ink that reads "M. Mortelmans".

Madeline L. Mortelmans
Acting Assistant Secretary of Defense
Strategies, Plans, Capabilities

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

If you or your staff have questions about this report, please contact Chelsa Kenney, Director, International Affairs and Trade at KenneyC@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report.

Staff Acknowledgements:

In addition to the contact named above, Katie Bolduc (Assistant Director), Jon Fremont (Analyst in Charge), Owen Starlin, Kara Marshall, Margaret Koberstein, Debbie Chung, Larissa Barrett, Mark Dowling, Pamela Davidson, Jeffrey Larson, and Christopher Keblitis made key contributions to this report.

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